

FILED

JUL 28 2006

United States v. Khan
Nos. 05-50468, 05-50472

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

CLIFTON, Circuit Judge, concurring in part and dissenting in part.

I dissent because I do not believe the sentence was reasonable even under *United States v. Zavala*, 443 F.3d 1165 (9th Cir. 2006) (per curiam). In my view, as Judge Rymer's concurrence explains, the reasons given by the district court do not justify the degree of variance here. *See, e.g., United States v. Menyweather*, 447 F.3d 625 (9th Cir. 2006) (as amended). I would, therefore, reverse across the board.